

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 HI-TECH TERMITE CONTROL OF THE
11 BAY AREA, INC.,

No. C-12-4212 MMC

Plaintiff,

**ORDER AFFORDING PARTIES LEAVE
TO FILE SUPPLEMENTAL BRIEFING;
CONTINUING HEARING**

12 v.

13 DIRECTORY ASSISTANTS, INC., et al.,

14 Defendants.
_____/

15
16 Before the Court is plaintiff's Motion to Remand, filed August 22, 2012. Defendants
17 Directory Assistants, Inc., Richard Sica, and David M. Ford have filed opposition, to which
18 plaintiff has replied. Having read and considered the parties' respective written
19 submissions, the Court finds it appropriate to afford the parties leave to supplement their
20 submissions and to continue the hearing on the motion.

21 In its reply, plaintiff objects to statements made by Michael Cody ("Cody"), upon
22 whose declaration defendants rely. As plaintiff correctly points out, Cody fails to sufficiently
23 set forth the factual basis for his statement that plaintiff "would have paid approximately
24 \$75,732.00 to renew its existing yellow page program in 2012" (see Cody Decl. ¶ 8), or to
25 set forth how he obtained personal knowledge of the facts used to support said statement.
26 Given the timing of such arguments,¹ defendants have not had an opportunity to address
27

28

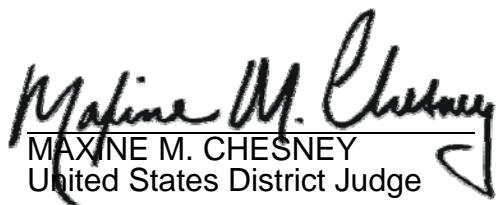
¹Because defendants' showing as to the amount in controversy was not set forth in
any detail until defendants' opposition, the first opportunity plaintiff had to respond thereto
was in its reply.

1 the evidentiary deficiencies. Under the circumstances, the Court will afford the parties
2 leave to file supplemental briefing, as follows:

- 3 1. No later than September 28, 2012, defendants may file a supplemental
4 declaration or declarations to support the above-referenced statement by Cody.
5 2. No later than October 12, 2012, plaintiff may file a supplemental reply.
6 3. The hearing on plaintiff's motion to remand is hereby CONTINUED from
7 September 28, 2012 to October 26, 2012, at 9:00 a.m.

8 **IT IS SO ORDERED.**

9
10 Dated: September 19, 2012


MAXINE M. CHESNEY
United States District Judge

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28